

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

**TACTACELL, LLC**

**VERSUS**

**DEER MANAGEMENT SYSTEMS, LLC**

**CIVIL ACTION NO.: “6:22-CV-00773”**

**JUDGE: Hon. David C. Joseph**

**MAGISTRATE: Hon. David Ayo**

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**MOTION FOR RELIEF FROM NONDISPOSITIVE  
PRETRIAL RULING OF MAGISTRATE JUDGE**

**NOW INTO COURT**, Plaintiff, Tactacell, LLC (“Tactacell” and/or “Plaintiff”), respectfully moves this Honorable Court for Relief from the Nondispositive Pretrial Ruling of Magistrate Judge which denied Tactacell’s Motion to Empanel the Phase I jury for the Phase II Damages trial. R. Doc. 321. The Memorandum Ruling is not based in law; rather, it is conclusory in nature and cites only legal authority which is not binding on or even instructive to this Court. Such a ruling is clearly erroneous because it violates Tactacell’s Constitutional rights under the Seventh Amendment. Thus, Tactacell requests relief from the Memorandum Ruling and that Your Honor to grant Tactacell’s Motion to Empanel the Same Jury for the Phase II Damages trial.

*[Signature Block on Next Page]*

Respectfully submitted,

**RIESS LEMIEUX, LLC**

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***Counsel for Plaintiff, Tactacell, LLC***

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I electronically filed the foregoing pleading with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record on this 21<sup>st</sup> day of July, 2025.

/s/ Jonathan S. Forester  
Jonathan S. Forester